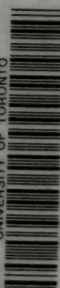


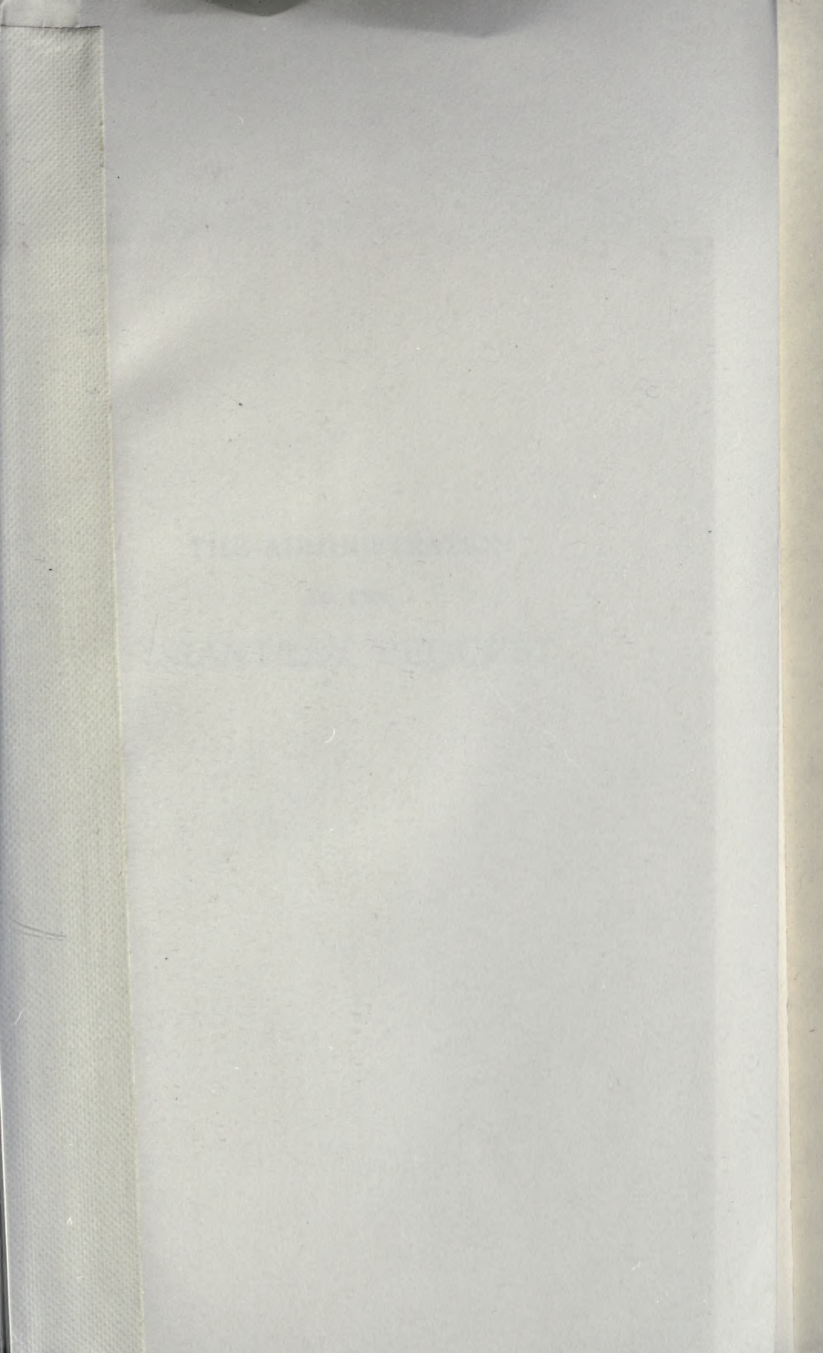
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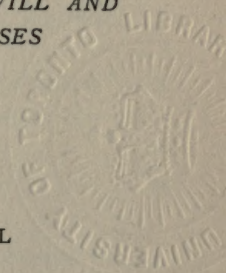
THE ADMINISTRATION
OF THE
CHANTREY BEQUEST

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THE ADMINISTRATION
OF THE
CHANTREY BEQUEST

*ARTICLES REPRINTED FROM "THE
SATURDAY REVIEW," WITH ADDI-
TIONAL MATTER, INCLUDING THE
TEXT OF CHANTREY'S WILL AND
A LIST OF PURCHASES*

BY
D. S. MacColl



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PREFACE

I BRING together here, for the convenience of those interested in the subject, two articles from the *Saturday Review* in which the administration of the Chantrey Trust was attacked, a summary of further articles and correspondence extending over more than six months, a few words in conclusion, and the documents on which the charges are founded. No one is qualified to discuss the subject who has not studied the text of the Will, given in Appendix I. As my object in this campaign is not to make controversial points, but to arrive at a practical result, I have cleared away from the summary certain side-issues which had to be dealt with as they arose, but were sufficiently dealt with at the time.

With this practical object in view I laid down for myself the following principle:

viz., to advance no proposition in support of my case that the Chantrey Trustees themselves could reasonably challenge. This limitation involved the following rules :

1. In considering the works of art included in the Chantrey collection, not to discuss their absolute merit or demerit, about which there might be differences of opinion, but only their relative merit, *i.e.*, whether they were, in Chantrey's words, " Works of fine art of the highest merit in painting and sculpture that can be obtained."

2. In considering the artists excluded from the collection, not to introduce the names of (*a*) artists already deceased at the date of Chantrey's Will, or (*b*) of contemporaries whose deserts might still be a matter of dispute. In the field thus limited, I named only those among the dead or the veterans living whose surpassing merit the Trustees themselves must admit.

In a word, suppose the Trustees in the witness-box, and obliged to answer the

question: "Are or are not Stevens, Madox Brown, Rossetti, Holman Hunt, Burne-Jones, Cecil Lawson, Dalou, Legros, Fantin-Latour, Whistler, Matthew Maris among the most eminent artists who worked in Great Britain from the time of Chantrey's Will till the present?" it is inconceivable that they should answer "No." And suppose them asked: "Were Joseph Clark, Val Prinsep, Walter Hunt, W. Small, P. H. Calderon, A. Hacker, G. Cockram, L. Rivers, H. S. Hopwood, Mildred Butler, Lucy Kemp-Welsh, A. Glendenning, Jun., J. Young Hunter, Chas. Maundrell, to name only a few whose names figure in the Chantrey catalogue, among the most eminent artists whose works could be obtained during this period, it is inconceivable that the answer should be "Yes."

I have thus, for the sake of a clear issue, only pressed a fraction of the case that might be urged. The advantage is that questions of the interpretation of the Will and of "taste" or "opinion" do not arise between the critics and the Trustees, and these stand self-condemned unless they are

prepared to stultify themselves by maintaining that the names in the second list are more eminent than those in the first.

I endeavoured further to bring discussion to a definite point by pressing the case, in particular, of Mr. Whistler; because not only is he unrepresented in the Chantrey collection, but no private benefactor of the National Gallery has filled the gap, and it becomes more difficult every day to do so. I succeeded in obtaining from one Academician, Mr. Boughton, the remarkable explanation of his own reasons for not moving in the matter that is given and discussed below. No attempt, it will be seen, has been made to justify the exclusion on grounds of taste.

I have only to add that the charges made here are no new ones; they have been brought again and again in the past by critics of standing who have looked into the matter. But the scandal has grown with time, and criticisms are quickly forgotten. If I have done anything to bring the matter into clearer relief it is by sharply contrasting the policy of the Trustees with

the actual provisions of the Trust, instead of expressing a general dissatisfaction with the collection ; and I found that on nearly all sides an ignorance, equal to my own, had prevailed as to the precise terms of the Will. The renewed protest has met with the most spontaneous and generous support in the Press. To some of those valuable articles reference is made below, but it may not be superfluous here to give a list of leading papers that have taken a substantial part in the discussion or indicated to the Trustees the necessity for a reply. These are, among daily papers, the *Times*, *Morning Post*, *Daily Chronicle*, *Westminster Gazette*, *Pall Mall Gazette*, *Manchester Guardian* ; among weeklies, the *Spectator*, *Athenæum*, *Speaker*, *Academy*, and *Truth*, besides the *Saturday Review* ; among the monthlies the *Contemporary Review*.*

My thanks are due to the Editor of the *Saturday Review* for permission to reprint

* The list is doubtless incomplete, for I have taken no steps to follow all references to the subject in the Press.

the articles, to the Editor of the *Year's Art* for his kind permission to make use of the tabulated list of purchases in Appendix II., and to Mr. R. C. Witt for hunting up the Law Reports quoted in Appendix III.

I

THE MALADMINISTRATION OF THE CHANTREY TRUST*

I HAD the curiosity, the other day, to look up the exact terms of Sir Francis Chantrey's Will, under which the President and Council of the Royal Academy were constituted Trustees† to purchase works of art from the fortune he bequeathed and place them in some public gallery. The terms of the Will are to be found in Appendix IX.

* *Saturday Review*, April 25, 1903.

† Strictly only two are Trustees, the President and Treasurer of the Academy. Chantrey provided that in addition to them there should be three other Trustees. But the judges are the President and Council, and all are practically Trustees for the public. The President receives £300 a year for his labours, and the Secretary of the Academy £50, for keeping a record of meetings, and of the voting for and against purchases.

to the Report of the Commission of 1863 on the Royal Academy.*

I wish it were possible for all interested in our national collections to go, with this document in their hands, to the Tate Gallery, where the purchases made are arranged as a separate collection,† and ask themselves soberly whether the clearly expressed and admirable intentions of the testator have been carried out ; whether there is evidence of any attempt to carry them out ; or whether it is not clear that the provisions of the Will have been ignored, its intention perverted, and the funds at the disposal of the Trustees grotesquely maladministered. I challenge any fair-minded person to put the question to the test in this way, and have no doubt as to the result. He would probably come to the conclusion that a few of the works purchased come within the scope of Chantrey's Will, but on their performances generally he could hardly acquit the Trustees of grave delinquency.

* See Appendix I.

† For complete list, see Appendix II. The pictures purchased, up to 1898, are reproduced in "The National Gallery," Part III. Cassell & Co., 1900.

Let me put it in another way. Suppose the unbiassed observer to go to the Tate Gallery ignorant of the terms of the Trust, to review the Chantrey purchases, and then to set down what he supposed must be the conditions under which they had been bought. At what conclusions would he arrive? Surely he would surmise that the works bought were to be in all cases

1. By British artists.
2. By *living* British artists.
3. By living British artists, and *executed or at least exhibited in the year of purchase.*
4. By living British artists, exhibited in the year of purchase, *and exhibited at the Royal Academy.*

These are the suppositions that would rise up in his mind to explain the facts, and the evidence is overwhelming that this is the interpretation acted upon by the Trustees. If he examined the collection more closely he would find one or two facts that would throw doubt on his conclusions. As against (1) he would find,

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I think, in a solitary instance that the work of an artist, American-born and not naturalised, though resident in England, had been bought. As against (2) and (3) that in a solitary instance the work of a dead Englishman had been bought, namely the large and able, if not quite necessary, picture by Hilton.* As against (4) two or three cases of pictures bought from the Grosvenor or New Gallery, galleries that came to serve to a large extent as an annexe to the Academy. But with these tale-telling exceptions the policy and practice has been to select pictures and sculpture from the current exhibitions of the Royal Academy, and to treat Academicians, more particularly, in the most generous spirit. Of the total of about £60,000 expended up to date (April 1903), over £30,000 was paid to members of the Academy, between £17,000 and £18,000 to those

* "Christ Crowned with Thorns"; exhibited 1825; bought by the British Institution and presented to a church. Why the ecclesiastical authorities sold it is not clear. This was in the first year of the Trustees operations, 1877. The Trust came into force on the death of Chantrey's widow.

who shortly after became members, between £12,000 and £13,000 to other exhibitors.

The unbiassed observer, then, would guess that the Trustees, as honourable administrators, had been bound to buy the work of living men, Englishmen, and exhibitors in the Royal Academy for the current year, but that there had been one or two slight irregularities. What would be his astonishment when he turned to the Will and discovered that in no case were these conditions laid down by Sir Francis Chantrey : that on the contrary, express stipulations had been made to guard against such a narrowing of his intentions. What he laid down was as follows :

1. The works of art might be by artists of any nationality, with the one condition that they must have been executed and completed in Great Britain.

2. The works of "deceased or living artists" were eligible.

3. There is no limit of purchase to works executed or exhibited in the year of purchase.

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4. There is no limit of purchase to works exhibited at the Royal Academy.

Indeed, the terms of the Will are so wide, that so far as I can see the Trustees would be within their right technically in purchasing sculptures or paintings executed in England by foreigners, in Roman, Mediæval or Renaissance times. The general sense of the project was no doubt against so wide a range, but if Hilton was eligible there was no reason against going back at least as far as Hogarth.

So far our observer has only compared the actual range of selection with that contemplated by the testator; he has not considered the quality of the things selected. As I have already allowed, there are certain pieces that he would probably pass as fairly deserving a place in a national collection; the majority he would class as not deserving that distinction, and yet not contemptible. The remainder would come under one of two heads. Either they represent some passing dubious fashion, a sensation of the

year that a short time has discredited, the doubtful promise of a student not maintained ; or they are works by men of popular reputation, but by no means the best examples of their authors. It is undesirable to insist in detail on these facts, because it would be wounding to artists, many of whom, after all, were not to blame because their works were bought. But our observer, still attempting with impartial mind to understand the principles of selection, would certainly come to the conclusion that the Chantrey Trust was intended to encourage "promise" and to provide a refuge for the less saleable works of members of the Academy. He would therefore add to the four conditions already enumerated in his imaginary sketch of Chantrey's Will a fifth, providing that particular attention was to be paid to novelty of fashion and signs of "promise," and particular tenderness shown to established repute at a loss for a market. No other conjecture consistent with a scrupulous discharge of duties would explain the peculiar character of the Trustees' choice

Unfortunately there is no condition of this sort in the Will; on the contrary a distinct repudiation of any such intention. Chantrey reiterates emphatically that only "the highest merit" is to qualify for selection. He proceeds: "The President and Council, in making decision, shall have regard solely to the intrinsic merit of the works in question, and not permit any feeling of sympathy for an artist or his family, by reason of his or their circumstances or otherwise, to influence them." And he expressly guards against the danger of raw impressions and hasty decisions by relieving the Trustees of any obligation to buy every year. They may accumulate their funds for as many as five years, a provision that would allow of concentrating on some work that had run the gauntlet of opinion and yet could be paid for, since the accumulations would amount to more than £10,000. The Trustees have ignored this provision, with the rest; they have never given judgment a chance to mature; they have bought, except in the case of Hilton, works fresh from the

artist's hand, and have only in three years out of twenty-six abstained from those hasty purchases among pictures and sculpture of the year.

But, it may be objected, suppose the Trustees had acted with the latitude permitted by the Will, could they, in the circumstances, have got together a better collection? Was there better to be had? Is it not the fault of the time that works of art worthy of a national collection are not to be had, and does the collection not fairly represent, on the whole, the art of the period? A moment's consideration will make this excuse untenable. If we take the date of Chantrey's death, 1842, as our backward limit, and ask what, by general consent, are the important names in English art in the period immediately succeeding, at least we should reckon Alfred Stevens, Mr. Watts, Madox - Brown, the Pre-Raphaelites, possibly William Dyce. Of these only two, Mr. Watts and Millais, were Academicians; they are the only two represented in the Chantrey collection, and Millais not by one of the fine works of

his early time or his maturity, but by a poor and late work ("Speak, speak") for which £2000 was paid. It was left to an individual collector, Sir Henry Tate, to fill part of the void left by the combined critical taste of the President and Council of the Academy. In the same way it was left to private donors to present to the Gallery two of its chief treasures, the paintings by Stevens. It still contains nothing of his sculpture. The same thing applies to Rossetti and to Madox-Brown, and the Gallery contains nothing by Mr. Holman Hunt. Now either the Director of the Gallery, who is also President of the Academy, ought to have refused those works when offered by private donors, as undeserving of a place in the Gallery, or his accepting them requires an explanation of the fact that no steps were taken by the Trustees of the Chantrey bequest to obtain them from the public fund bequeathed for such a purpose.

If we pass to the next generation, the same fact confronts us. The Chantrey Trustees bought nothing by Burne-Jones. He also is represented by private donation.

Yet a minor follower, Mr. Rooke, an exhibitor at the Academy, was bought. Cecil Lawson's "August Moon," a landscape infinitely finer than any in the Chantrey collection, was presented to the Gallery by his widow. Even painters so popular as Fred Walker and Mason were passed over, and surely Walker had a claim to consideration prior to his follower Mr. Herkomer. If we turn to artists not of English birth who have worked in England during the same period, there are the names of Dalou, Legros, Fantin-Latour, Whistler, Degas, Matthew Maris, Claude Monet, all men of deserved European reputation. Dalou, the master, is not represented in the Chantrey purchases, though the sculptors who sprang from his teaching are. Messrs. Legros and Fantin-Latour are represented by private donation; the others not at all; yet I think no one will be so bold as to say that Mr. Joseph Clark's "Mother's Darling," Mr. Hacker's "Annunciation," Mr. Gotch's "Alleluia," Mr. Herkomer's "Found," Mr. Young Hunter's "My Ladye's Garden," Mr. Draper's "Icarus," and scores of

others were necessities of our national collection to be secured before we could indulge in works like the "Mother" by Mr. Whistler, secured by the Luxembourg at a price beggarly compared with the standard of the Chantrey Trustees.

To bring these remarks to a point I put it to the conscience of the President and Council of the Academy as men of honour whether it is not a clear duty, before they go further, to secure for the nation a picture by Mr. Whistler. No one will now dispute that the gap is inexcusable in view of Chantrey's instructions to his Trustees; and the Trustees may be reminded that if they are warned against personal sympathy, it ought to be taken for granted that personal antipathy, if it exists, should not interfere with a public duty. Generosity is often enough lost sight of among the miserable jealousies of artists; but we may at least demand of public bodies a measure of justice and decency. I will cite, for the present, one other case.* The Trustees have purchased a number of water-colours,

* The case of Mr. Holman Hunt, another living veteran, might have been further insisted on here.

of which only Mr. Smythe's can be called in any way exemplary. The chief master of one exemplary kind since Turner is now an old man, and nearing the limit of his wonderful production. Is it not a scandal that Mr. Brabazon is ignored in this collection?

It is credible—so many things become credible—that the present Trustees are quite unaware of the conditions of the Trust.* Sir Charles Eastlake, the then President of the Academy, when examined before the Commission in 1863, asserted that Chantrey's bequest was for the benefit of British artists only. Perhaps this pious opinion has ruled ever since. It is my object in writing before the Academy exhibition opens and the operations of the Trustees are resumed, to make it clear to them and to the public what their duty is, namely, in Sir Francis Chantrey's words, to purchase "works of Fine Art of the highest merit in painting or sculpture that can be obtained, either already executed or which may hereafter be executed by

* This supposition is confirmed by Mr. Boughton's letter quoted farther on.

artists of any nation provided such artists shall have actually resided in Great Britain during the executing and completing of such works." If the Trustees are of opinion that their recent performance in the purchase of Mr. Dicksee's "Two Crowns" (£2000) fulfils these conditions the view is shared by no critic who has a reputation to lose. The Trust is being employed purely to reward exhibitors in current Academy exhibitions, and to penalise those who do not exhibit; not to get together the best obtainable works of art executed in this country. If no change be made in this policy, it will be the duty of Parliament to step in, as Chantrey provided, and arrange "some proper scheme."*

D. S. MACCOLL.

In the following week the Academy opened, and four purchases from the Chantrey Fund were announced. I dealt with them in a second article,† pointing

* As a check on abuses, Chantrey provided that the names of those voting for or against any particular work should be placed on record, and the record be open to any member of the Academy. Parliament ought to call for the publication of this record.

† *Saturday Review*, May 9, 1903.

out that while none of the works was without some degree of merit, none of them could be said to reach the standard set up by Chantrey. Moreover, three of the four artists had already been favoured; all four purchases were made in the Academy exhibition. It was clear then that the President (who receives £300 a year for his labours), and the Council of the Academy,* considered their duties accomplished when they had strolled round their own exhibition, and distributed this national trust as a prize-fund for the exhibition. So purely is it regarded as a family affair that when the favoured circle is completed, the great outsiders who ought to have been considered from the first are still neglected, and the round begins again.†

* The Council of the Academy consists of eight full Academicians (not Associates) besides the President and Secretary. Academicians serve in rotation, four places being vacated each year. Newly elected Academicians take their places on the Council at the first change after their election.

† Two works have been bought in the case of the following artists: Lord Leighton, Joseph Clark, Frank Dicksee, H. W. B. Davis, W. L. Wyllie, David Murray, Hubert Herkomer, Adrian Stokes, H. S. Tuke, M. R. Corbet, W. R. Colton.

On May 12 a long article, supported by a leader, appeared in the *Daily Chronicle*, strengthening the case against the Trustees. This was followed on May 14 by interviews with Messrs. Alma Tadema and Val Prinsep, and on May 21 by a further interview with Mr. George Frampton, and an anonymous Academician, a sculptor, who distinguished himself by declaring that "the controversy was one started solely in the interests of the dealers." Such arguments as called for notice are dealt with below; the rest of this defence amounted to an assertion of the infallibility of the Trustees and the admirable character of the collection they had formed. On June 5, Mr. Bowyer Nichols treated the subject at length in the *Westminster Gazette*, which has recurred to it from time to time in editorial notes. The *Saturday Review* then published the leading article which follows.

II

PARLIAMENT AND THE CHANTREY BEQUEST *

"And in case the Royal Academy and such other society or association as aforesaid, if any, shall be dissolved or cease to act for the purposes aforesaid, I do hereby direct, that the trustees or trustee for the time being of this my will, shall endeavour to obtain the authority and sanction of Parliament to some proper scheme for the future application of the annual income of my residuary pure personal estate, such scheme being in strict accordance with my intention hereinbefore expressed, viz., that such income shall be for ever devoted towards the encouragement of Fine Art in Painting and Sculpture executed within the shores of Great Britain."

CLAUSE IN CHANTREY'S WILL.

IN a letter from Mr. W. J. Loftie on 23rd ult. our readers were reminded that the administration of the Chantrey Bequest had more than once been the subject of comment in the *Saturday Review*. But memories

* *Saturday Review*, June 6, 1903.

are as short in these matters as consciences appear to be easy, and the actual terms of Chantrey's Will, so incompatible with the scope and quality of the collection that has been formed in his name, appear to have been forgotten by the world generally, till the subject was revived in these columns. We may, therefore, before going further, briefly supplement our correspondent's reference to past history. At the time when the first of these articles referred to appeared, namely, in July 1884 (seven years after the Trust came into operation), a series of questions on the subject was asked in the House of Commons by Sir Robert Peel.* Mr. Gladstone, who was then Prime Minister, took his cue from the President

* The most important questions were:

May 13, 1884.—Sir R. Peel asked First Lord of the Treasury "Whether his attention has been drawn to the manner in which the President and Council of the Royal Academy are applying the fund bequeathed by Sir W. (sic) Chantrey 'for the purchase of works of Fine Art,' in the words of the sculptor's bequest 'of the highest merit,' and whether steps cannot be taken for giving effect, in the interest of English art, to the express wishes of the founder."

May 22.—"Whether since giving his reply to th

of the Academy, who denied that Parliament had any jurisdiction. On further pressure, however, the Academy promised to make a communication on the subject. The session came to an end without this communication being received, and whether it was ever made we are unable to say. The policy of the Trustees was silence and confidence in general apathy.

The abuse of their office by the Trustees, already noticeable at that early date

question with regard to the subject of the Chantrey Bequest he is aware that the subject of the administration of the Chantrey Bequest is much discussed by artists: whether, inasmuch as charitable donations and bequests by will are subject to supervision by Parliament and by commissions appointed by Parliament, the Government acquiesce in the view of the President of the Royal Academy that the Trust in question is of such an exclusive character as not to allow of any interference whatever from without: whether it is a fact that the bulk of the fund is now absorbed by members of the Royal Academy buying the works of their own body, and whether, privileges having been granted by Parliament to the Royal Academy with a local habitation at the expense of the nation, inquiry will be made, in the interest of art, into a matter affecting an institution so important in its public influence and character as the Royal Academy."

to those who were aware of Chantrey's intentions, had become still more serious by 1890, when we returned to the subject, and the years that have passed since then have brought no change of policy, and have added to the weight of the indictment recently set out by our critic. But these years have also, we think, brought about a change in the public with which the Academy has to reckon. The Academy can no longer pretend to speak for the general body of artists in this country or to command their confidence and that of the cultivated public. Twenty years ago this change in the status of the Academy would hardly have been generally admitted. Now it is common knowledge that the Academy has sunk to the level of a sectional institution. This is so incontestable that in an old stronghold of Academy prestige and useful index of public feeling, the *Daily Telegraph*, we find one of the most careful and fair-minded of our critics calling for an exhibition supplementary to that of Burlington House on the model of the Champ de

Mars or the various German secession exhibitions, in which might be grouped together the admirable talents that are at present scattered in various independent societies. This view, echoed by writers hardly less authoritative and equally disinterested, represents, there can be little doubt, a growing impatience among the enlightened public. If this is true of the field of art at the present moment, we can see clearly enough, in the perspective of history, how imperfectly the Academy can claim to represent our art from the time of Chantrey's death onwards. Stevens, the Pre-Raphaelites, masters of later groups like Mr. Legros and Mr. Whistler, Messrs. Morris and Burne-Jones, the majority indeed of the names that make the half-century famous, have been left out of the body that still claims to speak for English art, and has diverted a national trust to the endowment of its own current exhibitions. This national character of the Chantrey Trust was emphasised by the Commissioners of 1863 in their Report. "It appears to us," they said, "that the

nation has a great interest in the proper execution of these Trusts, for the testator expresses full confidence that whenever the collection of the works of art shall be of sufficient importance the Government will provide a suitable and proper building or accommodation for their preservation and exhibition *as the property* of the nation. It thus appears to us that the President and Council of the Royal Academy will, in fact, be Trustees for the public in the purchase of these works, and in the temporary custody of them." Sir Henry Tate stepped in to supply the Gallery, the nation is now fully in possession, it is only the Trustees who have failed to carry out their part of the scheme, and it is surely time for the nation to call them to account.

The Academicians themselves seem to be uneasily aware that silence will no longer serve their turn. Several of them, including Sir L. A. Tadema and Mr. Frampton, have replied, in the form of interview, to a long and able examination of the Chantrey administration which

appeared in the *Daily Chronicle*. In this article, besides the points already familiar our readers, another and very damaging one was emphasised, namely, the disparity between the estimate the Trustees have put upon works by their fellow members, and the colder view, to say the least of it, taken by the sale rooms. Chantrey, it is true, directed that prices should be "liberal," but to pay more than the already inflated market price for not first-rate specimens of a painter's art is surely a travesty of his intentions. In the interviews referred to the only point of value that emerged was the statement that Chantrey's Will is read over to the Council on each occasion when purchases are made. The Council therefore have defeated his intentions not in ignorance but with eyes open. The general line of defence is that the question involved is one of taste, and that the Academy may be trusted to judge better than "those foolish persons," as Sir L. A. Tadema calls the critics. Now let there be no mistake. There is no question of taste, unless Sir L. A

Tadema and his colleagues are prepared to assert that the work, let us say of Mr. Colin Hunter's son,* is better than, let us say a Rossetti, a Burne-Jones, Legros, or Whistler. We do not think any one in the Academy will have the hardihood to do that, yet this is what must be done to justify the purchase of that picture and the scores of which it is a type. There is, therefore, no question of conflicting judgment between the Academicians and the critics; there is only the question, Why were the works of those masters not bought instead of works by members of the Academic family?

But, reply the Academicians, works by these masters were not to be obtained, were not for sale "in the ordinary way." Were they not? We will borrow an illustration from a correspondent of our contemporary, and take the case of a single year. Here are the Chantrey purchases for 1892:

* "My Ladye's Garden." By Mr. Young Hunter. Bought 1899.

1899. Death of the Duke of Devonshire. Large picture by Whistler.

"Between Two Fires" (F. D. Millet),
£350.

"June in the Austrian Tyrol" (J. Mac-Whirter, A.R.A.), £800.

"The Annunciation" (A. Hacker), £840.

"Solitude" (G. Cockram), £150.

"Stormy Weather" (L. Rivers), £40.

"Life in the Street" (W. Osborne),
£26 5s.

"Indian Rhinoceros" (R. Stark), £65.

Now we will not discuss the exact class of mediocrity into which all these works fall; we will only ask whether no works of the distinction required by Sir F. Chantrey and otherwise eligible were obtainable at the time of purchase. The answer is easy. In that same summer, at a single sale, first-rate works by Rossetti and Burne-Jones, the "Eve of S. Agnes" by Millais, and the "Princesse du Pays de la Porcelaine" by Mr. Whistler were disposed of. This last picture, if we remember aright, was purchased for £420.* Is any one

* It is needless to point out that the prices of works by the masters we have mentioned have greatly risen in the interval. The picture by Mr. Whistler has since the

going to assert that Mr. Hacker's "Anunciation" was a picture to be bought in preference at double the money? Will Sir L. A. Tadema and Mr. Frampton put their names to that? Or do they consider that the English nation made a better bargain when they obtained a water-colour by Mr. Cockram (whoever he may be) at £150, than the French when Mr. Whistler let them have his Mother's portait for £160?

But, it may be argued, it is desirable that artists themselves, and not collectors, should have the benefit of the Chantrey purchases. Other things being equal, this may be granted. If there is a choice between getting the best work from the artist direct, or from the collector or dealer, it is desirable that the artist should benefit.

date of writing been sold for £5000. During the same period the prices of various idols of the hour have also altered, but in another direction. An effective criticism of the Chantrey Collection, from this point of view, would be to have it valued, on the evidence of sale lists, by an impartial authority, and some private collection, formed by a man of taste during the same period, also valued, and the original prices of the works given.

But there is not a word in Chantrey's Will to limit the Trustees to purchases from artists directly ; the clause permitting the purchase of the work of deceased artists is in conflict with such a reading, and this was acknowledged by the Trustees in their purchase of Hilton's picture.*

The defenders finally make a pitiful attempt to excuse their delinquencies by the clause in the Will that prohibits any commissioning of work. This was a most wholesome provision. But the legal authority consulted by the Academy arrived at the decision that to order the execution in marble or bronze of a design in plaster would be contrary to the intention of the Will.† This, at least in the

* This transaction remains mysterious. Mr. Loftie, from a recollection of a conversation with the late Professor Middleton, thinks it was bought from the family of Hilton. But how did it come into their hands? It was placed in the church of St. Peter's Pimlico by the British Institution, whose property it was. When this church was restored it was taken down (1872) and a faculty obtained for its removal, February 26, 1877. Why in the world it should have been removed, and re-sold to the Chantrey Trustees, does not appear.

† See Appendix III.

case of bronze, was a mistaken decision, whose effect ought, if possible, to be removed; but to import this difficulty, which only affects the sculptors, into the painting side, and confuse the public mind by saying that certain great painters are not represented because their work could only have been obtained by commission, is to reckon too far on credulity. Will the Council inform us, from its records, what steps they have taken to assure themselves that this was so in the case of Rossetti, Burne - Jones, Legros, and Whistler?

The case, then, against the Trustees, is quite unanswered, and clearly calls for Parliamentary inquiry. In our view the time is ripe for a new Commission to consider the whole constitution of the Academy, as a body enjoying the gift of a public site on the understanding that it fulfils public duties.* But at least the mishandling of Chantrey's valuable bequest calls for sharp

* Sir Robert Peel elicited the fact that the value of the gift to the Academy from public sources was £87,000. The Academy accepted the gift, but practically ignored the Report by which it was accompanied.

challenge. The preliminary question is, who are the present Trustees besides the President and Treasurer of the Academy? Failing action on their part, it is the duty of Parliament to step in, as provided by the clause of the Will quoted above, and appoint some new body of Trustees in place of those who have used for the profit of a group the funds designed for a splendid national purpose.

III

SUMMARY OF FURTHER DIS- CUSSION AND CORRE- SPONDENCE

THE question would have been raised in Parliament shortly afterwards, but in the last days of the Session the distraction caused by the Fiscal Controversy made this impossible. The subject, however, continued to be discussed in the press. A letter, signed "Psectes," appeared in the *Times* recapitulating the charges, and calling on the Trustees for an explanation. No reply was made to this, nor to a further letter by Mr. Bowyer Nichols, who pointed out that the President of the Academy had defended himself at considerable length in answer to a much less serious charge. The *Times* commented on his silence in the same sense in a leader of August 3.

In the *Contemporary Review* for August appeared Mr. Harry Quilter's article, restating the case with additional argument and detail, and on August 13, an article in *Truth*, urging legal action against the Trustees. In October the critic of the *Spectator* added his voice to those already raised, and the Editor pressed the Trustees once more, without result, for an answer to the serious indictment in the article. In August the *Magazine of Art* had given a qualified approval to the criticisms of the Trustees in an editorial note, and in November returned to the subject in an article which led to discussion and correspondence in the *Morning Post*, *Westminster Gazette*, *Pall Mall Gazette*, and *Saturday Review*.* Mr. Spielmann in this article published an extract from the Will, and admitted that reform was called for, that distinguished painters had been neglected, and the Academy too exclusively considered; but

* For any who wish to amplify or verify this summary the following references may be given:

Saturday Review, Nov. 7. "The *Magazine of Art* and the Chantrey Bequest." Correspondence arising out of this article, *S. R.*, Nov. 14, 21, 28; Dec. 5, 12, 19, 26.

his arguments were chiefly directed to affirming the impregnable position of the Academy and to criticising the critics. He suggested (but afterwards withdrew the suggestion) that the attack came mainly from one artistic society and its friends. The remainder of his arguments it is desirable briefly to examine, because they represent the case for the Trustees stated by a witness whose friendliness the Academy will not dispute.

I. Mr. Spielmann argued that the "legal status and invulnerability of the Trustees seem to defy attack," because Chantrey "exonerated them in advance." The reference here is to the following clause in the Will.

"And I declare, that the receipt and receipts in writing of the President and Treasurer, for the time being, of the Royal Academy, or of such other society or association as aforesaid, shall be a sufficient discharge and discharges to the trustees or trustee for the time being of this my will, for the monies so from time to time paid over as aforesaid, and shall entirely exonerate such trustees or trustee from all responsibility as to the future application and disposition of the same monies."

As Mr. Quilter has pointed out, Mr.

Spielmann is the victim of a confusion here. The original Trustees, and those who take their place, are exonerated of responsibility once they have handed over the income of the Trust to the President and Council of the Academy; but the President and Council of the Academy are by no means exonerated from applying the money as defined in other clauses of the Will. The responsibility for this is thrown upon them, and as the Commissioners said, they are practically constituted Trustees for the nation in the matter of spending.

2. Mr. Spielmann further argued that since the intention of the testator was "the encouragement of British Fine Art in Painting and Sculpture only," he cannot have contemplated the purchase of Old Masters, such as Holbein, Van Dyck, &c., for such purchase cannot be considered an "encouragement" to British Fine Art. The answer is, that no one, in the present discussion, has pressed for the inclusion of "Old Masters," though the terms of the Will make their inclusion possible. But the testator made it clear by further defini-

tion that he intended the inclusion of *deceased masters*, and of foreign masters working in Great Britain. In a word, by "encouragement of British Fine Art" he did not mean adding to the wealth of living British artists, but the raising of the standard of their art by forming a collection of the finest work produced in this country.

3. Mr. Spielmann goes on :

"It is obvious, therefore, that the purchase of Old Masters could have no place in Chantrey's mind ; indeed, as the testator desires that any work purchased by the Academy should be exhibited *in its Annual Exhibition*, which, of course, consists only of modern pictures (the Old Masters' Winter Exhibition not having been established till about thirty years after Chantrey's death in 1841), the idea of the acquisition of ancient pictures is entirely precluded."

The answer to this is :

a. That the argument would make nonsense of Chantrey's express inclusion of deceased painters, whose works cannot be exhibited in the Summer Exhibition of the Academy.

b. That the Trustees have not invariably exhibited their purchases in the Academy

Exhibition (*e.g.* in the case of Mr. Clausen's "Girl at the Gate").

c. That Mr. Spielman's quotation of the clause from the Will is truncated, and that it is only by suppression of part of it that it appears to bear the meaning he gives it.

The whole clause runs.

"And I further declare my will to be, that the President and Council of the Royal Academy, or of such other society or association as aforesaid, do and shall within the succeeding year next after any work shall have been purchased by them as aforesaid, cause the same to be *publicly exhibited* for the period of *one calendar month at the least* in the annual exhibition of the Royal Academy, or in some important public exhibition of the Fine Arts, the same to be selected by such President and Council, subject to such regulations as they shall think fit and proper."

That is to say, the Council have a perfectly free hand in choosing the exhibition in which the works shall be shown. All Chantrey wished to secure was that the works bought should be publicly seen, as a check upon his Trustees. He looked forward, as he states in his Will, to the time when there should be a permanent exhibition, of which the Chantrey collection should form a part. Till that was

provided, he secured that the purchases should be seen somewhere, for not less than a month. The permanent gallery he looked forward to was provided by the gift of Sir Henry Tate. In the interval it was arranged that purchases should be exhibited at the South Kensington Museum. Now that the Tate Gallery exists, the stipulation in the clause quoted is fully met by the inclusion of the purchases in the Tate Gallery within the year after purchase.

Mr. Spielmann admitted, later on, that this reading was correct. One important point, moreover, was made by the critic of the *Spectator* in reference to this clause. It looks as if the Council of the Academy had read this clause as authority, from Chantrey, to buy in their own exhibition. It really cuts the other way. It goes to prove that Chantrey had not contemplated purchase in the Academy exhibitions at all, or he would hardly have provided for exhibition there *after* purchase.

4. Mr. Spielmann continues :

“Then, on the matter of competence, Chantrey is clear. The money, says the Will, shall be laid out

‘as and when they shall think it expedient.’ The discretion is absolute.”

The answer to this argument is, first, that the intention of the clause is evidently to give the Trustees complete freedom as to time and place of purchase, so that they shall have every opportunity of obtaining the best things. It was certainly not the intention of the testator to tie them down to one time and place, namely, the month of May in each year and the Royal Academy exhibition. Second, the discretion is absolute in regard to *as* and *when*, but not in regard to *what*. The Trustees are limited to works of the highest merit that can be obtained, and to obtain them they are invited to get them anyhow, anywhere, and at any time (within a limit of five years).

5. Mr. Spielmann continues :

“As to the alleged extravagance ‘My will further is . . . the prices shall be *liberal*, and shall be wholly in the discretion of the President and Council.’ If the Council choose to pay the artist’s full price they seem to be within their rights and not in opposition with the terms of the Will.”

The clause with the omitted words runs,

“My will further is, that in making such purchases preference shall, on all occasions, be given to works of the highest merit that can be obtained, and that the prices to be paid for the same shall be *liberal*. . . .”

Chantrey wished that his Trustees should not be afraid of giving a high price for a very good thing; but he certainly did not intend to shield his Trustees if they paid inflated prices for doubtful things, and that the author of the work should be the judge of its value. The directly following clause makes this clear, for it runs :

“And my will further is that such President and Council, in making their decision, shall have regard solely to the *intrinsic merit of the works in question*, and not permit any feeling of sympathy for an artist and his family, by reason of his or their circumstances or otherwise, to influence them.”

In a word, if a great work is for sale, and cannot be obtained except at a high figure, the Trustees are directed not to haggle with the artist, but they are not encouraged to be so generous with Chantrey's money towards their fellow-members, as to buy pictures from them which could

be obtained shortly afterwards in the market for half the price.

6. Mr. Spielmann continues :

“ As the excellence or otherwise of the works purchased must always be a matter of opinion, the President and Council, who, as is manifest, are invested with absolute discretion, have but to declare their belief that the works purchased by them are ‘ of the highest merit that can be obtained,’ to repulse any attack that can legally be made upon them.”

As has been pointed out already, it is quite impossible for the President and Council to do anything of the sort. They will not swear that the works of Messrs. Glendening, Cockram, Rivers, &c. &c., were works of the highest merit that could be obtained ; they will not swear that Mr. Hacker is a greater artist than Alfred Stevens, Mr. Gotch than Rossetti, Mr. Rooke than Burne-Jones, Mr. Joseph Clark than Mr. Holman Hunt, Mr. Draper than Madox - Brown, Mr. Val Prinsep than Whistler, Mr. Herkomer than Fred Walker, Mr. Peacock than Mr. Legros, Mr. MacWhirter than Cecil Lawson. And they cannot swear that works by these foremost artists of the time

were not obtainable. The "question of excellence" is therefore not "a matter of opinion." It is a matter agreed upon by all people of cultivation.

7. Mr. Spielmann continues :

"Again, unless the assailants are prepared to prove open dishonesty or deliberate breach of trust, they could not hope to dispossess the Royal Academy; and even if they could, they are unable, in face of the Will, to substitute any other body."

The answer to this is, that breach of trust has been proved, not only as an incident, but as a policy, and that Chantrey provided for this possibility. He lays it down that if the Academy

"shall cease to act for the purposes aforesaid, I do hereby direct that the trustees or trustee for the time being of my will, shall endeavour to obtain the authority and sanction of Parliament to some proper scheme for the future application of the annual income of my residuary pure personal estate, such scheme being in strict accordance with my intention hereinbefore expressed, viz., that such income shall be for ever devoted toward the encouragement of Fine Art in Painting and Sculpture, executed within the shores of Great Britain."

The, Academy, therefore, is at the mercy of any one who will take their record into the Courts.

8. When he quits the ground of their supposed invulnerability, to suggest any defence the Trustees could make on the merits of their case, all that Mr. Spielmann can offer is this sort of thing :

“ It is certainly a reproach that no work by Mr. Whistler, Mr.^s Legros, Sir Edward Burne-Jones, and other distinguished artists who might be named, has been included in the collection. A reply might be that the work of the first two has never been available in the Academy, and besides is not sufficiently academic to justify Academic support and encouragement.”

This plea would only hold if Chantrey had limited purchase to the Academy exhibitions, which he did not ; and what is meant by suggesting that the styles of Mr. Whistler and Mr. Legros do not justify Academic support and encouragement it would be difficult to conjecture. Is it suggested that the manner of painting of Mr. Sargent, Mr. Clausen, Mr. MacWhirter is more academic than that of Mr. Legros?

The reason for analysing this document in so much detail is that it may fairly be taken to represent all that can be urged on behalf of the Academy and the interpreta-

tion it has given to Chantrey's Will. It is admitted that the Trustees have failed in their duty, but it is argued, against the plain provisions of the Will, that the discretion given to them is so absolute that we can only deal with these erring Trustees by "argument and persuasion."

It was desirable, however, to complete our case against the Council of the Academy, that some of its past or present members should come forward as witnesses. The President had ignored the appeal of the *Times* and other papers on the direct issue; but indirectly the Academy became involved in the public discussion of the case of an artist whose treatment by the Chantrey Trustees had been singled out as typical. In July Mr. Whistler died. I ventured again* to point out the duty of the Chantrey Trustees to secure one or more of his works for the nation before it was too late.† Shortly afterwards a

* "A Debt," *Saturday Review*, July 25.

† Since then the number of important pictures available in this country has been sadly reduced. Half of them, at least, have crossed the Atlantic.

correspondence took place in the *Times* on the subject of Mr. Whistler's relations with the Academy. The chief subject of the discussion, namely, the failure of the Academy to elect Mr. Whistler to its membership, does not concern us, but in the course of the correspondence Mr. G. D. Leslie, one of the senior Academicians, urged that a selection of Whistler's works should be shown in the coming exhibition of Old Masters at the Academy. He quoted, moreover, in illustration of the relations between Whistler and the Academy, from a letter of Mr. G. H. Boughton, R.A., an account of a conversation with Whistler, in the course of which Mr. Boughton had said to him, "If you had behaved yourself, you might have been President of the Academy." In the October number of the *Magazine of Art* a third influential Academician, Mr. Val Prinsep, wrote an article on Whistler, concluding as follows: "Future generations will feel that he has left behind much interesting work, and some half-a-dozen pictures that may be called first rate. After all, of how many

of his contemporaries can more, or, indeed, as much, be said?"

Here, then, was demonstration of the contention that the question between the Trustees and their critics was not one of "taste"; that the Academicians, if they spoke, would not venture to challenge the claim advanced for Mr. Whistler's art, or to adopt the line suggested to them by their maladroit advocate, that Mr. Whistler's painting "was not sufficiently academic to justify Academic support and encouragement." I drew the moral of all this in a further article,* from which I will quote the last lines:

"There, then, stand the three witnesses. Mr. Leslie considers that Mr. Whistler deserves the honours of an Old Master. Mr. Boughton told him he might have been President of the Academy. Mr. Prinsep yields him his true position among the few artists of his time for whom Chantrey expressly designed his bequest.

I think we are entitled to ask these gentlemen, What steps have you taken, when you have served your turn on the Council of the Academy, to carry out the terms of Chantrey's Will, which obviously apply to work you rate so highly, and if you have

* "If he had behaved himself . . ."—*Saturday Review* October 10.

failed so far in that primary duty what steps do you propose to take to relieve yourselves of this reproach?

I do not assume that nothing has been done; and I may add that Mr. Leslie and Mr. Boughton have this advantage over so many of those amazing Trustees, their colleagues, that no works of their own figure in the Chantrey collection. But I think the public has a right to require of the whole body that the first honour they pay to Mr. Whistler's memory is to see that he is represented in the national collection, rather than to arrange for an exhibition by which the revenues of the Academy would incidentally profit. 'If they had behaved themselves,' what a collection we might have had, instead of one that is a shame and a derision."

I may add that to the witnesses cited above has since been added Mr. George Clausen, A.R.A., who in his recent course of lectures at the Academy spoke of Whistler as the greatest discoverer in landscape effect since Turner.* This is not merely an individual judgment, for by the laws of the Academy the lectures of its Professors

* In the same course of lectures Alfred Stevens was spoken of as the only modern who could be named beside Michael Angelo. Madox-Brown and the Millais of "Ophelia," were compared with Van Eyck. Cecil Lawson was described as one of the greatest modern landscape painters. None of these is illustrated in the Academy's selection of our most eminent artists.

must be approved by the Council, and therefore represent the Council's views.

In the *Studio* for December, appeared an article by Mr. Boughton on Whistler, and in the course of this he took some exception to my having quoted the phrase in his letter to Mr. Leslie, without the qualification that it was said "half in fun." I replied to this,* that I had supposed Mr. Boughton to be not less than half in earnest, a supposition that was sufficient for my argument, but I offered to drop this particular point and take other grounds, supplied by Mr. Boughton's article. I went on :

"That I was not assuming too much is amply proved by Mr. Boughton's present article. Speaking of Mr. Whistler's 'immortal' 'Portrait of His Mother,' now in the Luxembourg, he says that he tried to induce an American friend to buy it. 'My friend looked at me very curiously, and then said, 'You are not really serious.' On my most solemn asseveration that I was never more so, 'What the devil do I want of his mother's portrait?' 'Well,' I said, 'you would be glad of Rembrandt's mother's, or Vandyke's, or Raphael's mother's portrait, or their mistress' even, or any intimate relation ; it is just as

* "Mr. George Boughton, R.A., Whistler, and the *Saturday Review*."—*Saturday Review*, December 19.

good as any of 'em could paint, and will be thought so, too, some day.' Well, here we have from Mr. Boughton, not 'half in fun,' but 'never more serious' what is more than ample for my purpose, and might even be described as excessive. We can afford to cancel, if he wishes it, the earlier indiscretion. If this 'immortal' work, equal to Rembrandt, Vandyke, and Raphael, was purchasable, as it proved, for a national collection, and purchasable at a beggarly figure (£160) as late as 1892, twenty years after its first exhibition at the Academy, fifteen years after the operations of the Trustees began, why was it not bought for the Chantrey Collection? Mr. Boughton describes my article as 'eloquent misinformation.' The article was a very plain affair, concluding with a question addressed to Mr. Boughton and his colleagues, which remains unanswered. I shall be glad to hear from Mr. Boughton on what points I was misinformed, and I will repeat the question more pointedly. 'Did you take any steps, when you served your turn on the Council of the Academy, to secure a work of Whistler for the Chantrey Collection, seeing that you admit the merits of his work to be so transcendent that under the plain terms of the Will it was a gross dereliction of duty for the Trustees to neglect it?' Did Mr. Boughton urge upon them, as he did on his American friend, the purchase of some of this 'immortal' work.

It is possible (I have no means of knowing) that Mr. Boughton is individually free from reproach. His full membership of the Academy dates only from 1896, and from what I know of his views I should rate him as a liberal-minded critic of art. My conviction is that there must be a considerable number of members and associates who would take the right

side in this matter if they had the courage. At the same time Mr. Boughton's article goes to make one think that he by no means realises the gross scandal of the treatment of Whistler by the body of which he is a member. He appears to think that because he and a number of his colleagues were on terms of intimacy with Whistler, knew him as 'Jimmie,' and so forth, and because 'Jimmie' was always a great deal talked about, the charge of 'neglect' is absurd. May I suggest that one has heard very nearly enough of the personage called 'Jimmie'? I observe that the affectionate intimacy involved in the name has not been incompatible with the retailing of ill-natured stories by the surprisingly numerous friends who have found a voice since his death. But what is of more importance is that this drizzle of ill-tasting gossip obscures another personage—the artist, Whistler. I am not one of those who claim for that artist that he was as great as or greater than Rembrandt, Vandyke, and Raphael, but I do contend that he was one of the greater artists who worked in England in the nineteenth century, and that it is one of the heaviest counts in the heavy scandal of the Academy's management of a national trust that he was steadily ignored. To reply to this charge, by saying, as Mr. Boughton in effect does, 'Oh, bless you, we all knew and admired Jimmie, poor dear, long before his later admirers were born,' only makes the breach of trust committed by the Academy less pardonable. Here is the plain answer. In 1877, when Whistler was publicly accused of being an impudent charlatan because he asked £210 for one of his Nocturnes, no Academician, so far as I know, came forward to say a word for him: one of the most popular, on the other hand, went into the witness-box against him.

It was open to the Council of the Academy to defend the honour of the craft and make the most effective retort possible to the grave injury done by a man of genius in giving a lead to the ignorant: they might have bought the *Nocturne*. They actually bought, with the small sum necessary, Mr. Joseph Clark's 'Early Promise,' spent the same sum on Mr. Rooke and Mr. Joseph Knight, £2000 on Leighton, £1000 on Mr. Yeames, £1000 on a Hilton, £367 on a Dicksee. Does Mr. Boughton in face of this admit the neglect, and fall back on the damaging plea that the Academy could not be expected to be in advance of popular opinion? Then let us allow fifteen years for reflection, for the conviction that Mr. Boughton had held since 1859 to penetrate his colleagues. In 1892, as I said above, the 'Mother' was sold for £160 to the Luxembourg. (It would probably fetch £10,000 in the open market now.) In that year the Council of the Academy paid nearly the same sum for a water-colour by one G. Cockram, paid £350 for an F. D. Millet, £800 for a MacWhirter, and £840 for a Hacker. Mr. Boughton may very likely plead his Academy vows against expressing his judgment on these transactions; I shall be surprised if he attempts to defend them."

Mr. Boughton's reply* was as follows:

* *Saturday Review*, January 2, 1904. Mr. Boughton, in giving me permission to reprint his letter, has requested that the passage (in the *Studio* article) bearing on his original reference to Mr. Whistler, and the quotation in Mr. Leslie's letter should also be reprinted. I do this with pleasure, though for the purpose of the present discussion Mr. Boughton's exact meaning in what he said to Mr. Whistler is no longer of importance. See Appendix IV.

To the Editor of the *Saturday Review*.

"SIR,—I think that if Mr. MacColl had read my Whistler article in the December number of the *Studio* with a little more care he would have found that I had fully answered many of the questions he raised in his leading article on the various matters which my Whistler reminiscences contained.

"The only question I do not answer therein is the one he raises himself, and which I take to be the *raison d'être* of his entire contribution. Mr. MacColl, it seems, would be glad to hear from me 'What steps I took (when on the Council of the Academy) to secure a work of Whistler for the Chantrey collection, seeing that I admit the merits of his work to be so transcendent that under the plain terms of the Will it was a gross dereliction of duty for the Trustees to neglect it. Did I urge on them, as I did on my American friend, the purchase of some of his 'immortal' work?

"Well, in order that Mr. MacColl may no longer 'burst in ignorance' of my own private and personal conduct on the occasion he cites, I will sorrowfully admit that I did none of those things he points out as my plain duty to myself and all concerned (even to Mr. MacColl and friends), and for many glaring and excellent reasons, some of which concern the master himself and his immortal work. Some concern the rules of the Academy, some concern the terms of the Chantrey Will, and some concern my own personal concerns. I can find none whatever, I grieve to say, that concerns 'The man in the street.' Except that it is presumed to give him a right, at all times and in any place, to stay me and demand 'What the !!! I mean by not purchasing

the things he would select instead of using my own judgment.' It would soon get to be a severe tax on one's time, patience, and liberty of action. However, I will make over a very simple reason, tempered with explanations (for Mr. MacColl's use and benefit), as to why I did not raise my voice for some immortal work of the master's on the occasion pointed out so plainly by Mr. MacColl. Of course, if I had found that that voice was in order I should have undoubtedly voiced it for the 'Mother' picture, and then I fancy that this little scene would have ensued.

—PRESIDENT. 'Where is this work to be seen, Mr. Boughton?' I. 'Sorry to say, sir, I don't happen to know.' P. 'Is it for sale?' I. 'That I don't know either.' P. 'Is it Mr. Whistler's wish it should go to the Chantrey collection? for you know he insists on controlling the destination of his works even when bought and paid for.' I. 'That point I was aware of, but it escaped me for the moment.' P. 'If it is, as you say, the portrait of his 'Mother' you suggest we should purchase, don't you know that we have already exhibited that picture twenty years ago, and that by the terms of the Will it will have to be exhibited again, and by the laws of the Academy it can't be?' I. 'Yes, sir, I have to admit that objection.' P. 'May I ask then how you can expect us to listen to your suggestion?'

"I, confused into temporary silence, find my scattered forces interrupted by other 'voices' of the impatient Council advising me 'to take a back seat!' This entirely imaginary scene is what I feel would have taken place if I had let my 'voice' loose on the occasion Mr. MacColl has unwittingly pointed out as the happy moment to 'let it go.' This, I take it, should contain my answer to Mr. MacColl's challenge

as to my silence. These serried reasons also apply to any previously exhibited picture (in London) suggested for purchase for the Chantrey collection. Furthermore, ere we leave the 'Master' in peace (at least during the 'festive season'), may I remind Mr. MacColl that according to 'the two most intimate associates of the 'Master,' during the last ten years of his life' (*vide* letter signed by them to the *Times* immediately after Whistler's death), 'it was the most sacred injunction of the Master that no work of his should ever be again shown in the Royal Academy.' *Raison de plus* why no unhappy lover of his can ever raise a willing but empty voice in favour of him at any council meeting.

"I do not expect for one moment that Mr. MacColl is going to accept my reasons or explanations without gracefully twining them into weird shapes that I never intended them to express. He is so skilful that I shall perhaps applaud his ingenuity. One bit of his advice, however, I shall never take notice of—that Whistler's old-time friends shall no longer call him by the only name we knew him by—'Jimmie.' All and sundry of the latter-day apostles may call him 'Mister' or 'Master,' or whatever else they like. They never knew the dear 'Jimmie' side of him. However, during these lines to his belated admirers I have dropped the old-time endearment and called him, to them as I do inwardly to myself, 'The Master.'"

Yours faithfully,

GEO. H. BOUGHTON.

To this letter I published the following rejoinder : *

* *Saturday Review*, same date.

"SIR,—We are all indebted to Mr. Boughton for giving us at last the reasons that appear to a member of the Council of the Academy sufficient for the exclusion of Whistler from the Chantrey collection. As I have argued all along, no member of that Council will venture to dispute Whistler's right to inclusion on the merits of his work, and the reason Mr. Boughton gives depends, as, in charity, I suggested at the outset, on blank ignorance of the terms of Chantrey's Will.

"Before I go into this, however, let me clear Mr. Boughton's mind on a preliminary point. He appears to think that he is being worried, as a private person, to give reasons for a private action and private opinion, to those who have no right to challenge one or the other. That is an extraordinary misconception. As a member of the Council of the Academy, engaged in purchases from the Chantrey Fund, Mr. Boughton was no longer a private person, but a trustee for the nation. Every Englishman, down to the man in the street, has a right to challenge those purchases, not only in the Press, but in a court of law, and Mr. Boughton is responsible to the nation for any neglect of this public duty. But that is not all. Mr. Boughton represents the challenger as asking 'What the !!! I mean by not purchasing the things he would select instead of using my own judgment.' No: we have asked Mr. Boughton whether he neglected to press for the purchase of work which in his, Mr. Boughton's, judgment is 'immortal,' and equal to Rembrandt, Raphael, and Vandyck. It is his proclamation of this belief in the *Studio* that gives to any one of us the occasion to ask whether any attempt was made by Mr. Boughton, in his character of public trustee, to give effect to his declared judgment. He

tells us now that he made no such attempt. What are his reasons ?

“He says those reasons were many, glaring, and excellent. They are glaring enough in all conscience. Let us examine their excellence. He supposes the case of his suggesting, at the Academy Council, that Whistler’s ‘Mother’ should be purchased. This, if I am not mistaken, is an impossible supposition, because by the time Mr. Boughton was a member of Council the ‘Mother’ was already in the Luxembourg. Mr. Boughton’s argument, therefore, so far as it depends on this one picture and its having been exhibited at the Academy, falls to the ground. The opportunities of fifteen years had slipped away. Let that pass, however, and let us suppose, to give Mr. Boughton all the advantages of his argument, that he had proposed some other picture of Whistler’s which had also been exhibited in the Academy. First of all, then, Mr. Boughton represents himself as confounded by two questions from the President, viz., where the picture is to be seen (he takes for granted that it had escaped notice on the Academy walls), and whether it is for sale. To these questions he can give no answer. He comes, this public trustee, to the meeting, with an important proposal to make, and has not taken the trouble to inform himself where the picture in question, by his dear and intimate friend, is to be found, and whether it is for sale. And when the proposition is made it does not, in Mr. Boughton’s dream, occur to Whistler’s ‘old friend, the President’ to communicate with him, and find out these simple particulars. On Mr. Boughton’s hypothesis it is out of the question for the President, who enjoys a salary of £300 a year for his labours as Chantrey trustee, to make such an inquiry personally, or to risk a penny

stamp on a communication with the artist ! I think it will be agreed that reasons such as these belong rather to the inhibitions of nightmare than to the waking world of business. The next 'reason' is too childish for discussion, viz., that Whistler might have objected to the destination of the picture. He would, as a matter of fact, have been delighted, as he was when the Luxembourg bought the 'Mother' and Glasgow the 'Carlyle.' Whistler, in later days, appears to have objected to the presence of any of his work in the Academy, a very different matter, and no man with a spark of self-respect would have felt otherwise than he did, ignored as he had been all those years by that institution.

"Brushing aside, then, these frivolous reasons, we come to the fourth, viz., that the picture had been exhibited in the Academy, that by the terms of the Will it would have to be exhibited there again, and by the laws of the Academy could not be. If Mr. Boughton puts this forward seriously it means, as I have said above, that he is ignorant of the terms of the Will, and more, of what has actually been done by the Trustees. The clause in the Will, to which he refers, provides that any picture purchased shall be exhibited in the course of the year following purchase, either in the Academy '*or in some important public exhibition of Fine Arts, the same to be selected by such President and Council, subject to such regulations as they shall think fit and proper.*' The difficulty about the laws of the Academy, therefore, does not exist. Chantrey's provision was made to secure that the public should see, within a reasonable time, what was bought. There was no public gallery, such as the Tate, at the time he made the Will, nor for years afterwards. The terms of the Will are satisfied if the

picture is hung in a public exhibition or in the Tate Gallery, now that it exists, within the year after purchase. That this is so is confirmed by the action of the Trustees, who bought Mr. Clausen's 'Girl at the Gate' and one or two other pictures, which were never exhibited in the Academy at all, but sent to the Kensington Museum, pending the provision of a permanent National Gallery of British Art.

"This, then, is the sorry defence Mr. Boughton can set up in the case of one of the great artists ignored by the Chantrey Trustees. I do not think, as a man of honour, he will be content with a line of action based on a belief as to the provisions of the Will which I have shown to be unfounded, which a moment's reference to the Will itself or to the list of pictures bought will disprove. Will he now join with us in demanding that the next picture purchased shall be a Whistler? Good faith demands no less. A word more on Mr. Boughton's last paragraph. The last thing I wish to do is to 'twist' his meaning; my object is rather to unravel its surprising implications. He thinks 'Jimmie' is the proper public designation of Whistler, while 'inwardly' he calls him 'the Master.' I suggest that it would be proper to reverse the use of these titles. Let us impress on the 'man in the street' the greatness of the artist, but tell him as little as possible about the 'dear Jimmie' side of him that obscures the other, and concerns only his intimates. Mr. Boughton would be surprised if some critic who enjoyed his intimacy referred to him in his articles as 'Georgie.' The man in the street will eagerly swallow any silly and derogatory personal anecdote, will remember that, and that only. It should be our part, therefore, to refuse him such nutriment. Let us leave it to people of the Mortimer Mompes stamp to

describe the details of Whistler's toilette and tailoring with a zeal that leaves little for the valet to add. I cannot say that I think 'the Master' very much happier as a title, for it was part of Whistler's foppery to assume that style, and some time must pass before it loses the taint, and falls to him clean of it, bestowed by others. When Mr. Boughton speaks of 'belated' admirers, I suppose he means 'later' admirers. Those who were born later could not very well admire earlier. The reproach lies with those who profess to have admired from the first, but did nothing to give effect to their admiration. Apathy about the artist, and eagerness to retail anecdotes about the man, are, on Mr. Boughton's showing, what has commended itself to the Academy as the treatment for a great painter. Does such an attitude really approve itself to him, on reflection, as generous or even tolerable?"

D. S. MACCOLL.

It was already established that Mr. Whistler's exclusion was not upon the merits of his work; this correspondence established the further contention that the only excuse available was an erroneous conception of the terms of the Will and duties of the Trustees.

One more intervention in the discussion calls for notice, because it appears in a widely circulated and usually careful book of reference. In his general review of the

events of the year, the Editor of the *Year's Art* for 1904 touches on the subject of the Chantrey Bequest in a fashion that shows that he has imperfectly grasped the points at issue. He says the "main points" are frequently forgotten in the discussion, and that these are two: "First, the Council is a committee whose decisions are governed by a majority on a vote being taken; secondly, Sir Francis Chantrey specifically stated that the prices to be paid 'shall be liberal.' The latter stipulation at once disposes of any argument based on market valuation." Mr. Carter proceeds to argue that the minority on the committee may have frequently taken the right side, and "prefers to believe that the proceedings at any meeting of any Council of the Royal Academy have that measure of honesty and dutifulness usually characterising the deliberations of responsible persons in this country."

Now the question of "liberal prices" is not one of the main points: these are the range and quality of the purchases. The question of price is a minor, but still

important point, which has been already discussed.

Mr. Carter's confusion of thought under the other head is complete. All of us, no doubt, "prefer to believe" that there have been minorities on the Academy Council against the policy that has prevailed; that is a matter of private speculation; what we have before us is the actual decisions of the majority. No minority vote can relieve the Council of responsibility for these decisions, and the charge against these decisions is that they have contravened the terms of the Trust, which are not a matter within the competence of the committee to decide by voting.

Mr. Carter goes on to say that, "When the Tate Gallery was built, the Council of the Academy offered the Chantrey purchases to the Government for the nation's acceptance. The offer was taken. The whole affair is one of a private art society administering a private trust."

This contention is at variance with the facts. Mr. Carter appears to think that the Academy spontaneously offered

its private property to the nation on the foundation of the Tate Gallery. On the contrary, they were obliged to hand the purchases over as soon as a public gallery was provided. Chantrey's words are :

“ And it is my will and intention that the works of art so purchased, as aforesaid, shall be collected for the purpose of forming and establishing A PUBLIC NATIONAL COLLECTION OF BRITISH FINE ART IN PAINTING AND SCULPTURE, executed within the shores of Great Britain, in the confident expectation that, whenever the collection shall become or be considered of sufficient importance, the Government or the country will provide a suitable and proper building, or accommodate for their preservation and exhibition *as the property of the nation*, free of all charges whatever on my estate.”

The Commissioners of 1863 confirmed the obvious reading of these words, saying, “ It thus appears to us that the President and Council of the Academy will, in fact, be trustees for the public in the purchase of these works, and in the temporary custody of them.”

The Trust, then, is not a private, but a public one. If the Academy takes refuge in the old equivoque and calls itself a “ private artistic society,” that does not

affect the position given to it in this matter as public trustee.* Supposing a sum of money had been left to the Royal Society for the reward and purchase, on behalf of the nation, of the most important scientific inventions produced within the shores of Great Britain, and the Society actually spent the money only on its own members and immediate circle, Mr. Carter would hardly argue that the proceedings were justifiable because the Trust had been given to a private society. It is remarkable how reluctant people are to admit that a breach of trust is a breach of trust where art is concerned.

* The Academy, of course, does not take this view of itself when anything is to be gained by another attitude. It claims to represent the whole nation when international exhibitions are in question, as, for example, at St. Louis.

CONCLUSION

SIR FRANCIS CHANTREY left a sum of money whose interest amounts to between £2000 and £3000 a year. This income he bequeathed to be spent on forming a collection for the nation of the best work in painting and sculpture executed in Great Britain by English or foreign, by living or dead, artists that could be obtained. The choice of these works he entrusted to the Council of the Royal Academy, leaving them a perfectly free hand as to place, time, and manner of purchase, and as to price, with the single proviso that the income was not to accumulate for more than five years at a time. The one condition he emphatically, by italics and capital letters, laid down and reiterated was that the works were to be the very best obtainable.

It is charged against the Council of the Royal Academy that on a record of more than a quarter of a century they are proved to have administered the Trust with a laxity and view to their own interest implying either culpable ignorance of its terms, or a policy that amounts to a breach of trust. In either alternative they have diverted a national bequest to the advantage of their own society. In one instance only have they bought the work of a dead artist; in no instance that of a foreign artist; in four instances* only work by English artists outside the current exhibition of the Royal Academy. In no instance have they bought work outside the current summer exhibitions. By this policy they have contrived to leave out of their collection the greater number of the most eminent artists, English and foreign, who have practised in Great Britain during the period of their purchases.

The result is a collection containing a

* In one instance the artist was Mr. Watts, an Academician. Two others, Messrs. Clausen and North, were on the way to election. The fourth was Mr. Strudwick.

few things which have a claim to be described in Chantrey's words. The bulk of the collection is obviously below that standard. No serious critic disputes this, and the fact is rapidly being brought home to those who distrust their own judgment in matters of art by the verdict of the market. Prices are the worst possible test of merit for absolutely contemporaneous art, but as time goes by prices approximate roughly to critical judgment. By this test the Trustees are proved to have made a very bad bargain for the nation. During the period in question individual collectors have bought for a few pounds or a few hundreds pictures which already fetch thousands at auction: the combined judgment of the Academicians has bought at their top market-price or beyond it pictures which have rapidly dropped in value, and will continue to deteriorate. There might have been some excuse for this if they had been limited to pictures of the year. There was no such limit.

In these circumstances, since the Council

of the Academy has failed to act for the purposes of the Trust as laid down in the Will, it is the clear duty of the non-academical trustees, under a clause of the Will already quoted, to move Parliament to provide a new scheme. Failing such action on their part, it is desirable that the question should be discussed in Parliament, and that if possible a Parliamentary inquiry should be instituted into the administration of the trust.* If that course should not commend itself to Parliament, the only remedy appears to be an action in the Law Courts, with the object of relieving the present Trustees of the functions they have abused.

If the question be asked, what satisfactory scheme could be devised if the Trust were taken from the hands of the Academicians, it may be suggested that the selection should be put in the hands of the Director

* The anomalous character of the present Trust, under which the Trustees may themselves benefit, is illustrated by the purchase, in 1890, of a picture by Sir Frederic Leighton, at a time when he was President of the Academy, and, therefore, *ex officio*, a trustee and one of the selecting body.

of the National Gallery of British Art. But this would involve two other changes, in themselves desirable, viz., that the direction of the National Gallery should be divided, the ancient side under one chief, the modern under another, and that the latter should be in no case a member of the Royal Academy. As it is, the President of the Academy is both the leading Chantrey Trustee and Director of the National Gallery. Since the Academy has determined to act as a "private" body and to pursue its own interests as opposed to those of the nation, it is desirable that national trusts and national offices should be put in other hands.

APPENDIX I

EXTRACT FROM THE WILL OF SIR FRANCIS CHANTREY*

. . . . And it is my desire and intention, that after the death or second marriage of my said wife, whichever shall first happen, subject to the said annuities, or such of them as shall for the time being be payable, the clear income of my aforesaid residuary pure personal estate shall be devoted to the encouragement of "BRITISH FINE ART IN PAINTING AND SCULPTURE ONLY," under and subject to such rules and regulations as I shall in and by this my will, or by any codicil or codicils thereto, make and appoint for that purpose ; and in default of such rules and regulations, and subject thereto, in case the same shall be incom-

* Reprinted from Appendix IX. to Report of the Royal Academy Commission, 1863.

plete and insufficient, my will is, and I do hereby direct that from and after the decease or second marriage of my said wife, whichever shall first happen, the said trustees or trustee for the time being of this my will do and shall apply and dispose of the clear interest, dividends, and annual produce of my said residuary pure personal estate, after answering and satisfying thereout the said annuities, or such of them as shall from time to time be payable, in the manner hereinafter mentioned (that is to say) upon trust, that the trustees or trustee for the time being of this my will, do and shall pay over the same yearly and every year by one or more payment or payments, as they or he shall think proper, to the President and Treasurer for the time being of the Association of Eminent Artists, now known as, and constituting the ROYAL ACADEMY OF ARTS IN LONDON, or to the President and Treasurer of any other society or association which, in the event of the title "ROYAL" being withdrawn by the Crown, or of the Royal Academy being dissolved or its denomination altered, may

be formed by the persons who may be the last members of the Royal Academy of Arts in London, whatever may be the denomination assumed by such last members. And I declare, that the receipt and receipts in writing of the President and Treasurer, for the time being, of the Royal Academy, or of such other society or association as aforesaid, shall be a sufficient discharge and discharges to the trustees or trustee for the time being of this my will, for the monies so from time to time paid over as aforesaid, and shall entirely exonerate such trustees or trustee from all responsibility as to the future application and disposition of the same monies. And my will is, and I do hereby direct, that from and out of the monies so paid over, one annuity or clear yearly sum of £300 shall be retained by such President for the time being, to and for his own absolute use and benefit; and that an annuity or yearly sum of £50 shall be paid thereout to the Secretary, for the time being, of the said Academy, Society or Association, for his own absolute use and

benefit,* *on condition that such secretary shall attend the meetings of my trustees, and keep in a book, to be preserved by them, a regular account of all the proceedings* : such two last-mentioned annual sums to be payable on the first day of January in every year, and the first payment to be made on the first day of January in the year succeeding that in which my said wife shall die or marry as the case may be ; and neither of such annual sums to be apportionable for a broken part of a year ; and the clear residue of the same monies shall be laid out by the President and other members composing such Council, for the time being, of the Royal Academy, or of such other society or association as aforesaid, when and as they shall think it expedient in the purchase of WORKS OF FINE ART OF THE HIGHEST MERIT IN PAINTING AND SCULPTURE that can be obtained, either already executed or which may hereafter be executed by artists of any nation, provided such artists shall have actually resided in Great Britain during the executing and completing of

* Passage in italics interlined in original.

such works, it being my express direction that no work of art, whether executed by a deceased or living artist, shall be purchased unless the same shall have been entirely executed within the SHORES OF GREAT BRITAIN. And my will further is, that in making such purchases preference shall, on all occasions, be given to works of the highest merit that can be obtained, and that the prices to be paid for the same shall be *liberal*, and shall be wholly in the *discretion of the President and Council of the Royal Academy, or of such other society or association as aforesaid*. And my will further is, that such President and Council, in making their decision, shall have regard solely to the *intrinsic merit of the works in question*, and not permit any feeling of sympathy for an artist or his family, by reason of his or their circumstances or otherwise, to influence them. And I do hereby further direct, that such President and Council, shall not be in any manner obliged to lay out and expend in every or any one year, either the whole or any part of the monies so paid over to them for the

purpose aforesaid, or any accumulations that may arise therefrom, but that the same respectively may from time to time be reserved and accumulated for a period not exceeding five successive years, if such President and Council shall see occasion. And I do expressly declare my will and mind to be, that *no commissions or orders* for the execution of works to be afterwards purchased as aforesaid, shall at any time be given by such President and Council to any artist or artists whomsoever. And I further declare my will to be, that the President and Council of the Royal Academy, or of such other society or association as aforesaid, do and shall within the succeeding year next after any work shall have been purchased by them as aforesaid, cause the same to be *publicly exhibited* for the period of *one calendar month at the least* in the annual exhibition of the Royal Academy, or in some important public exhibition of Fine Arts, the same to be selected by such President and Council, subject to such regulations as they shall think fit and proper. And I direct

that the said works shall be selected by the decision of a majority of the members of the Council for the time being of the Royal Academy, or of such other society or association as aforesaid, the President thereof having in such selection one vote as a member of the Council and a casting vote as President thereof. And I do hereby expressly direct, that after every purchase shall have been made by such Council, the names of those members of the Council who shall have sanctioned or opposed such purchase shall be entered in some book to be kept for that purpose, which book shall at all times remain open for the inspection and reference of all the members of the Royal Academy, or of such other society or association as aforesaid, and of the trustees or trustee for the time being of this my will. And it is my wish and intention, that the works of Art so purchased as aforesaid, shall be collected for the purpose of forming and establishing A PUBLIC NATIONAL COLLECTION OF BRITISH FINE ART IN PAINTING AND SCULPTURE executed within the shores of Great Britain,

in the confident expectation that, whenever the collection shall become or be considered of sufficient importance, the Government or the country will provide a suitable and proper building or accommodation for their preservation and exhibition as the property of the nation, free of all charges whatever on my estate. And it is my wish that my trustees or trustee, for the time being, and the President and Council of the Royal Academy, or of such other society or association as aforesaid, shall use their best endeavours to carry my object into proper effect. But I expressly direct, that no part of my residuary pure personal estate, or of the annual income thereof, shall be appropriated in acquiring any depository or receptacle whatever, for the aforesaid works of Art, otherwise than in providing a place of temporary deposit and security whenever needful, and in defraying those expenses which shall be absolutely required for the necessary preservation of the said works of Art so long as they shall remain in such place of temporary deposit. And in case the Royal Academy and such

other society or association as aforesaid, if any, shall be dissolved or cease to act for the purposes aforesaid, I do hereby direct, that the trustees or trustee for the time being of this my will, shall endeavour to obtain the authority and sanction of Parliament to some proper scheme for the future application of the annual income of my residuary pure personal estate ; such scheme being in strict accordance with my intention hereinbefore expressed, viz., that such income shall be for ever devoted towards the encouragement of Fine Art in Painting and Sculpture executed within the shores of Great Britain. And it is my earnest request, that my said wife do, with all convenient speed after my decease, apply for and endeavour to obtain an Act of Parliament settling or authorising her to settle, the said freehold and copyhold hereditaments, and other real and mixed estate to which she may become entitled under this my will, or so much thereof as shall remain after defraying the expenses of applying for and obtaining such Act of Parliament and making such settlement, upon the

same trusts as are hereinbefore declared concerning my residuary pure personal estate, but not so as to double or otherwise increase all or any of the annual or other sums hereinbefore made payable thereout, but so nevertheless that my said wife may have a life interest therein, or in such part thereof as she may desire. Nevertheless, I declare, that no forfeiture shall be occasioned by want of such Act of Parliament, but that in case the same should not be obtained, the same freehold and copyhold hereditaments, and other real and mixed estate, shall go and be held and enjoyed under this my will, in the same way as if no such request had been contained in relation thereto. And I do hereby nominate and appoint my said wife, M. A. Chantrey, and the said C. Stokes, G. Jones, and C. H. Turner, executrix and executors of this my will.

[Here follow clauses to authorise the trustees to act in cases where he himself held property in trust, and in case of death, &c., to appoint new trustees, &c.] And it is my earnest wish, that such appointment

be made within three calendar months next after the happening of any such vacancy as aforesaid, and that the number of *three trustees* may be kept up during the lifetime and widowhood of my said wife, and that after her decease the trustees be increased to FIVE, by adding to the number of three the *President* and Treasurer for the time being of the Royal Academy, or of such other society or association as aforesaid, so that the number of *five trustees*, always including such president and treasurer, shall thenceforth be kept up, &c. [Clauses for investing new trustees with full power.]

And I direct that every trustee who shall be appointed under the power hereinbefore contained (excepting the president and secretary of the Royal Academy, or of such other society or association as aforesaid) shall upon his appointment receive one clear sum of £100 sterling, to be retained out of the income of my residuary pure personal estate for the current year in which any such appointment shall take place, the same sum to be some remuneration for the trouble imposed upon such new appointed trustee.

APPENDIX II

LIST OF PURCHASES MADE BY THE COUNCIL OF THE ACADEMY FROM THE CHANTREY FUND

The descriptions of the purchases are contracted as follows :
O. Oil; W. Water-colour; S.b. Sculpture bronze;
S.m. Sculpture marble.*

1877.

<i>Title and Description.</i>	<i>Name of Artist.</i>	<i>Price.</i>
Christ Crowned with Thorns. O.	W. Hilton, R.A.	£1000 0
An Athlete Struggling with a Python. S.b.	Frederic Leighton, R.A.	2000 0
Early Promise. O.	Joseph Clark	210 0
A Tidal River. O.	Joseph Knight	200 0
Digging for Bait. O.	C. W. Wyllie	100 0
The Story of Ruth. O.	T. M. Rooke	200 0
Harmony. O.	Frank Dicksee*	367 10
Amy Robsart. O.	W. F. Yeames, A.R.A.	1000 0

1878. None.

* Those artists whose names are marked with an asterisk have been elected members of the Royal Academy since the purchase of their works.

1879.

<i>Title and Description.</i>	<i>Name of Artist.</i>	<i>Price.</i>
Toil and Pleasure. O.	J. R. Reid	350 0
Gurth the Son of Beowulph. O.	C. E. Johnson	800 0
The Waning of the Year. O.	Ernest Parton	250 0
An Old Mill. W.	Thomas Wade	84 0
Their only Harvest. O.	Colin Hunter*	735 0

1880.

A Visit to Æsculapius. O.	E. J. Poynter, R.A.	1000 0
Napoleon on Board H.M.S. <i>Bellerophon</i> . O.	W. Q. Orchardson, R.A.	2000 0
Britannia's Realm. O.	John Brett*	600 0
Returning to the Fold. O.	H. W. B. Davis, R.A.	525 0

1881.

A Moment of Peril. S.b.	Thomas Brock*	2200 0
The Prodigal Son. S.m.	W. Calder Marshall, R.A.	735 0
The Last Voyage of Henry Hudson. O.	John Collier	420 0

1882.

Teucer. S.b.	Hamo Thornycroft, A.R.A.	1000 0
Psyche. O.	G. F. Watts, R.A.	1200 0
Il y en a toujours un autre. O.	Marcus Stone, A.R.A.	800 0

1883.

Toil, Glitter, Grime, and Wealth on a Flowing Tide. O.	William L. Wyllie*	420 0
The Joyless Winter Day. O	Joseph Farquharson*	250 0

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1884.

<i>Title and Description.</i>	<i>Name of Artist.</i>	<i>Price.</i>
After Culloden: Rebel Hunting. O.	Seymour Lucas*	700 0
The Vigil. O.	John Pettie, R.A.	1000 0
"My love is gone a-sailing." O.	David Murray*	300 0

1885.

The Stream. O.	J. C. Hook, R.A.	1100 0
Found. O.	H. Herkomer, A.R.A.	800 0
Catspaws off the Land. O.	Henry Moore*	350 0
The Dog in the Manger. O.	Walter Hunt	250 0
Mother's Darling. O.	Joseph Clark	89 5
A Golden Thread. O.	J. M. Strudwick	315 0

1886.

Cromwell at Dunbar. O.	A. C. Gow, A.R.A.	800 0
The Magic Circle. O.	J. W. Waterhouse, A.R.A.	650 0
Folly. S.b.	E. Onslow Ford*	210 0

1887.

"Carnation, Lily, Lily, Rose." O.	J. S. Sargent*	700 0
Galway Gossips. O.	E. A. Waterlow*	300 0
Ayesha. O.	Val. C. Prinsep, A.R.A.	300 0
When Nature painted all things gay. O.	Alfred Parsons*	400 0
The Last Match. O.	W. Small	210 0

1888.

The Port of London. O.	Vicat Cole, R.A.	2000 0
St. Martin's-in-the-Fields. O.	William Logsdail	600 0
Upland and Sky. O.	Adrian Stokes	400 0
A Hopeless Dawn. O.	Frank Bramley*	450 0

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1889.

<i>Title and Description.</i>	<i>Name of Artist.</i>	<i>Price.</i>
Sheepwashing. <i>O.</i>	J. Aumonier	£300 0
The Chapel of the Char- terhouse. <i>O.</i>	H. Herkomer, A.R.A.	2200 0
Germinal. <i>W.</i>	Lionel Smythe*	105 0
Ignis Fatuus. <i>S.b.</i>	Henry A. Pegram	105 0
The Prodigal Son. <i>O.</i>	John M. Swan*	700 0
All Hands to the Pumps. <i>O.</i>	H. S. Tuke*	420 0

1890.

The Bath of Psyche. <i>O.</i>	Sir F. Leighton, Bart., P.R.A.	1050 0
The Cast Shoe. <i>O.</i>	R. W. Macbeth, A.R.A.	630 0
Evening Stillness. <i>W.</i>	R. B. Nisbet	40 0
Love Locked Out. <i>O.</i>	Anna Lea Merritt	250 0
At the Gate. <i>O.</i>	Geo. Clausen*	400 0

1891.

St. Elizabeth of Hungary. <i>O.</i>	P. H. Calderon, R.A.	1260 0
Lions. <i>W.</i>	Harry Dixon	100 0
Pandora. <i>S.m.</i>	Harry Bates*	1000 0
The Winter Sun. <i>O.</i>	J. W. North*	315 0

1892.

Between Two Fires. <i>O.</i>	F. D. Millet	350 0
June in Austrian Tyrol. <i>O.</i>	J. MacWhirter, A.R.A.	800 0
The Annunciation. <i>O.</i>	A. Hacker*	840 0
Solitude. <i>W.</i>	G. Cockram	150 0
Stormy Weather. <i>W.</i>	L. Rivers	40 0
Life in the Street. <i>W.</i>	W. Osborne	26 5
Indian Rhinoceros. <i>S.b.</i>	Robert Stark	65 0

1893. None.

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1894.

<i>Title and Description.</i>	<i>Name of Artist.</i>	<i>Price.</i>
August Blue. O.	H. S. Tuke*	525 0
Beyond Man's Footsteps. O.	B. Riviere, R.A.	£1200 0
Sunset at Sea (from Har- lyn Bay, Cornwall). O.	E. Hayes	175 0
Morning Glory. O.	M. Ridley Corbet*	630 0
Industry. W.	H. S. Hopwood	150 0
Perseus rescuing Andro- meda. S.b.	Henry C. Fehr	1200 0

1895.

Speak! Speak! O.	Sir J. E. Millais, Bart., R.A.	2000 0
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1896.

Alleluia. O.	T. C. Gotch	900 0
The Man with the Scythe. O.	H. H. La Thangue*	500 0
The Morning Bath. W.	Mildred A. Butler	50 0
A Boy at Play. S.b.	W. G. John*	500 0
Griselda (Head of a Girl). S.b.	A Drury*	70 0

1897

Colt Hunting in the New Forest. O.	Lucy M. Kemp Welch	525 0
Pilchards. O.	C. Napier Hemy*	1200 0
In a Fog. O.	D. Farquharson	420 0
Nymph of Loch Awe. S.m.	F. W. Pomeroy	150 0

1898

The Realms of Fancy. O.	S. Melton Fisher	500 0
The Lament for Icarus. O.	H. J. Draper	840 0
Ethel. O.	Ralph Peacock	105 0
Milking Time. O.	Yeend King	525 0
Haymaking. W.	A. Glendening, Jnr.	157 10

1899.

<i>Title and Description.</i>	<i>Name of Artist.</i>	<i>Price.</i>
Approaching Night. O.	H. W. B. Davis, R.A.	£315 0
Battle of the Nile. O.	W. L. Wyllie, A.R.A.	700 0
My Ladye's Garden. O.	J. Young Hunter	350 0
Off Valparaiso. O.	T. Somerscales	250 0
Le Château d'O. W.	Chas. Maundrell	21 0
The Girdle. S.b.	W. R. Colton*	630 0

1900.

The Two Crowns. O.	Frank Dicksee, R.A.	2000 0
Winter's Sleep. O.	H. W. Adams	175 0

1901.

Ali Baba and the Forty Thieves. O.	Albert Goodwin	315 0
The Flower Girl. O.	J. J. Shannon, A.R.A.	525 0
Morning. O.	Arnesby Brown*	420 0
Val d'Arno: Evening. O.	M. R. Corbet*	526 0

1902. None.

1903.

In the Country of Con- stable. O.	David Murray, A.R.A.	630 0
Autumn in the Mountains. O.	Adrian Stokes	300 0
Remorse. S.m.	H. H. Armstead, R.A.	900 0
The Springtime of Life. S.m.	W. R. Colton, A.R.A.	1000 0

APPENDIX III

A LEGAL DECISION AFFECTING THE INTERPRETATION OF THE WILL

It has been suggested, in the course of discussion, that the Trustees of the Academy have obtained legal authority for the interpretation of the Will implied in their purchases. The only legal decision of which I have been able to find a trace applies to a question raised as between the President and Council of the Academy on one side and four Trustees* on the other, viz., whether it was open to the Trustees to acquire sculpture, on condition that it should be executed in bronze or marble. The Council of the Academy naturally wished to have freedom of action in this respect, but a difficulty arose over two clauses in the Will, one that forbade the giving of orders or commissions, the other that spoke of purchasing work "*executed and completed* within the shores of Great Britain." The question that arose was whether a work of sculpture could be regarded as executed and completed when the artist had completed his design in the plaster or wax, and whether a commission to

* The defendant Trustees were Mr. Thomas Hughes, Viscount Hardinge, Lord Cheylesmore, and Mr. T. C. Horsley.

reproduce this design in bronze or marble amounted to a "commission" as forbidden by the testator. The practical difficulty was that for a sculptor the reproduction in bronze or marble is an expensive matter, which he cannot always embark upon as a speculation.

The case was tried in the Chancery Division before Mr. Justice North, who gave his decision May 7, 1888.* Sir Frederic Leighton, P.R.A., had argued for the plaintiffs that reproduction in bronze being purely mechanical, and in marble to a great extent so, "though requiring artistic manual but not creative skill in the completion" this final stage was not the "execution and completion" referred to by Chantrey, and that a commission to carry out a completed design was not contrary to Chantrey's stipulation against commissions.

Mr. Justice North took the opposite view. He pointed out several difficulties that a strict reading of the Will involved, if this freedom were granted, *e.g.*, that the members of Council who finally purchased the work might not be the same as those who commissioned it, and might take a different view, that the work might not be executed in time to be exhibited within the year, and so forth.

Mr. Justice North's decision was appealed against, and came before Lord Esher, Master of the Rolls, and Lords Justices Cotton and Fry, on June 4, 1889.† Lord Esher declared for a common-sense interpretation. He thought Mr. Justice North's decision defeated the object of the testator, and that under such circumstances "it was the duty of the Court to be astute, even so to construe the language as to

* See *Times Law Reports*, No. 24, vol. iv.

† *Times Law Reports*, No. 29, vol. v.

carry out what must have been the intention of the testator." He argued that it could not have been Chantrey's design to handicap his own art of sculpture, and that the difficulties raised were not serious.

Lords Justices Cotton and Fry, on the other hand, took the view that the Court could not go beyond the strict letter of the Will, and that the strict letter was against the proposed liberty of action. The Court of Appeal therefore confirmed the previous judgment.

It may be remarked that Sir Frederic Leighton and Lord Esher were probably in the right as to Chantrey's intention, but Chantrey's use of the phrase "executed and completed," for a particular purpose, made it difficult for the legal mind to accept his general intention.

There can be little doubt that Chantrey's intention in inserting this phrase was to secure that English sculptors should practice their art in England instead of in Rome; it was not to rule out from the action of the Trustees works that were practically complete. This unguarded phrase has a second unlucky effect. The plaintiffs in this case, as well as the judges, took for granted that it was not permissible to buy sculpture outright in the state of plaster or wax. The phrase possibly raises a difficulty; but it is a thousand pities that where fine designs exist in that state, and that state only, they should be ruled out as unpurchasable. It may be added that the decision of the Courts was wholesome to this extent, that it did not favour the current modern, and especially English, idea that reproduction in marble is a matter of mechanical *praticien's* skilled labour, and not a translation, requiring modification in design.

APPENDIX IV

THE following are the passages referred to in the note on p. 49.

1. Extract from a letter from Mr. G. H. Boughton to Mr. G. D. Leslie, quoted by the latter in letter to the *Times* of Sept. 5, 1903.

“The last time I saw him was at Agnew’s, when the restored ‘Duchess’ was on view. He was looking very ill and worn, but he almost embraced me in his delight at meeting an old chum. We did not agree about the merits of Gainsborough, Reynolds, or Romney. He held strongly for Hogarth as being the great man of the English School; but the dispute was most genial, as we did agree about Hogarth. He said something, not unkindly, about the R.A., and half in fun I said, “that if he had only behaved himself he might have been President.” He took it seriously, and merely murmured, “Who knows?” Not a word of spite or sarcasm—merely regret.”

2. Extract from an article in the *Studio*, Dec. 1904, by Mr. G. H. Boughton, on, "A few of the various Whistlers I have known." The meeting referred to above is again described, and the writer proceeds :

"And now I wish to clear up a widespread misconception of part of our conversation, arising through Mr. Harry Quilter quoting only the morsel that served his fell purpose. I had written a private letter to my friend, G. D. Leslie, R.A., to show that from my experience at Agnew's, Whistler did not wish to slay every member of the Academy that he met. Leslie, with my permission, included a part of my letter in one of his own to the *Times* on this same theme. In this extract from my letter occurs this passage : 'He (Whistler) said something not unkindly about the Academy, and *half in fun* I said that if he had only behaved himself he might have been President. He took it quite seriously, &c.' Mr. Quilter left out 'he said something not unkindly about the Academy, and *half in fun*,' &c., I said what it pleased Mr. Quilter to pounce on, and take a flying leap at a remote 'conclusion,' that he had misbehaved himself toward the Academy! I was tempted to write to the *Times* to bring Mr. Quilter to book, but as that gentleman had announced his 'final word' on the matter I hesitated, fearing to break so excellent a resolve. But the poison began to work all the same, and the *Saturday Review* gave the selected words—minus context—the exalted position of a headline to words of eloquent misinformation, and maller scribes have taken and gloated over the

‘hash’ that Mr. Quilter concocted. I have been more amused than vexed; even for such hash as they put forth (as *all* I had seasoned it with) I *could easily* defend as wholesome and easily-digested fare.

“When I say I *could*, I don’t mean that I intend to do so. It would scarcely be worth the fuel it would consume in warming it up again. In my letter to Mr. Leslie I merely gave the condensed gist of our little confab at Agnew’s. Whistler began about the Academy in referring to some ‘Winter Exhibition of Old Masters,’ in those very words, instead of his old-time joke, ‘the annual atonement,’ which was good invention and annual amusement to all and sundry. And then, if I remember rightly, ‘How is my old friend the President?’ (they were fellow-students in the old Paris days.) I said he was about the same; and then, ‘Ah! Jimmie, if you had only behaved yourself, *he* might have been asking after *his* old friend the President.’ Instead of drawing down the old-time elements on my head (always more or less refreshing), he only murmured, ‘Who knows?’”

Mr. Boughton proceeds to explain that it had never seriously occurred to him that Whistler would make a good President—a point on which few will disagree with him.

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